

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In re: Carlton M. Roberts  
Debtor

Chapter 13

Bankruptcy No. 17-03116 JJT

Stearns Lending, LLC, or its Successor or  
Assignee

Movant

vs.

Carlton M. Roberts  
Charles J. DeHart, III

Respondents

SETTLEMENT STIPULATION

WHEREAS, on July 28, 2017, Carlton M. Roberts (the "Debtor") filed a Petition under Chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court for the Middle District of Pennsylvania;

WHEREAS, on May 7, 2018, Stearns Lending, LLC (Movant) filed a Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. Section 362(a) (the "Motion") regarding property located at: 3120 Fern Road, Pocono Summit, Pennsylvania 18346;

WHEREAS, Movant and the Debtor are desirous of settling the dispute among and between themselves;

NOW THEREFORE, each in consideration of the promises of the other and intending to be legally bound, subject to the approval of the Bankruptcy Court, it is hereby agreed by and among counsel for Movant, by and through its attorneys, ANN E. SWARTZ, ESQUIRE, ALEXANDRA T. GARCIA, ESQUIRE, AND RAYMOND M. KEMPINSKI, ESQUIRE, and the Debtor, by and through his/her counsel, Timothy B. Fisher, II, Esquire, ("Debtor's Counsel") as follows:

- I. The parties hereby certify that the post-petition delinquency is \$6,406.46,

consisting of post-petition payments for the months of April 1, 2018 through June 1, 2018.

Debtor's monthly mortgage payment is \$1,809.34. Movant has incurred attorney fees and costs totaling \$1,031.00. Debtor is credited with funds in suspense in the amount of \$52.56.

2. Within thirty (30) days of the date of this Stipulation, the Debtor shall file an Amended Chapter 13 Plan to provide cure for the balance of the post-petition delinquency in the amount of \$6,406.46 as referenced in Paragraph 1 of this Stipulation.

3. Upon filing of the Amended Chapter 13 Plan, Movant shall amend its Proof of Claim to include the balance of the post-petition delinquency in the amount of \$6,406.46 as referenced in Paragraph 1 of this Stipulation.

4. Debtor shall resume making regular monthly mortgage payments in the amount of \$1,809.34 beginning on July 1, 2018

5. All payments are to be made payable to Stearns Lending, LLC at the following address: LoanCare, 3637 Sentara Way, Virginia Beach, Virginia 23452-4262.

6. The last four digits of your loan number 7367. Please remember to write your entire account number on the lower left-hand corner of your payment to ensure proper processing.

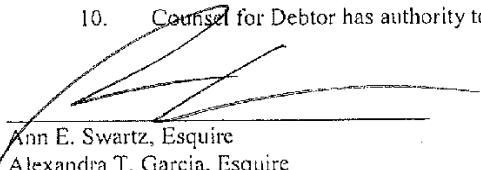
7. Should Debtor fail to comply with any of the terms of this Stipulation, including but not limited to, failure to file an Amended Chapter 13 Plan providing for cure of the post-petition delinquency, failure to make the above described payments, or any regular monthly mortgage payment commencing after the cure of the post-petition delinquency, then Movant may send Debtor and counsel a written notice of default of this Stipulation. If the default is not cured within ten (10) days of the date of the notice, counsel for Movant may file a Certification of Default with the Court. Said Certification of Default may include a certification of Debtor's failure to pay subsequent payments that fall due after the date of the notice of default. Upon Certification, the Court shall enter an Order granting relief from the automatic stay as to the

mortgaged property.

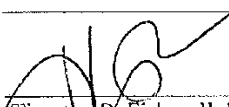
8. In the event the Debtor converts his/her case to Chapter 11, the terms of this Stipulation shall remain in full force and effect. In the event that Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of the date of conversion. Failure to cure the arrears shall constitute an event of default under this Stipulation and Movant may send Notice of Default and certify default as set forth in the preceding paragraph.

9. Attorney fees and costs for issuing Notice to Cure, Notice / Certificate / Affidavit of Default, and order for relief are recoverable and may be added to the arrearage.

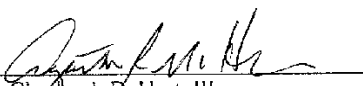
10. Counsel for Debtor has authority to settle this matter on behalf of his/her clients.

  
Ann E. Swartz, Esquire  
Alexandra T. Garcia, Esquire  
Raymond M. Kempinski, Esquire  
McCabe, Weisberg & Conway, LLC  
123 S. Broad Street  
Suite 1400  
Philadelphia, PA 19109  
Attorney for Movant

7.17.18  
Date:

  
Timothy D. Fisher, II, Esquire  
Fisher and Fisher Law Offices  
PO Box 396  
525 Main Street  
Gouldsboro, Pennsylvania 18424  
Attorney for Debtor

7/17/18  
Date:

  
for Charles J. DeHart, III  
8123 Adams Drive  
Suite A  
Hummelstown, Pennsylvania 17036

7/19/18  
Date:

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**ORDER GRANTING SETTLEMENT STIPULATION**

It is hereby ORDERED that the Stipulation to Settle Motion of Stearns Lending, LLC for Relief from the Automatic Stay is hereby APPROVED.